

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
Plaintiff

vs

JO ANN JENKINS

Defendant

**MOTION FOR ORDER OF COURT DISPENSING WITH
THE NECESSITY FOR SERVING NEW NOTICES OF MARSHAL'S SALE
AND FURTHER ADVERTISEMENT**

AND NOW, comes Plaintiff, the United States of America, by and through its counsel, Mary Beth Buchanan, United States Attorney in and for the Western District of Pennsylvania and the Bernstein Law Firm, P.C., private counsel to the United States of America, and files its Motion for Order of Court Dispensing With the Necessity for Serving New Notices of Marshal's Sale and further advertisement and avers as follows:

1. Plaintiff, United States of America, scheduled a Marshal's Sale in the above-captioned mortgage foreclosure action for August 12, 2005 at 11:00 a m

2. However, the property was not posted with the Marshal's Handbill and the Defendant has not served with the notice of sale by the Marshal until July 14, 2005, which is less than thirty days in advance of the scheduled Sale.

3. All Lienholders and Parties in Interest were served with notice of the sale.

4. Due to the inability to serve the Defendant and to post the property thirty days in advance of the August 12, 2005 Marshal's Sale, Plaintiff requested that the Marshal attend the Sale and inform those in attendance that the Sale was postponed to November 21, 2005 at 11:00 a.m.

5. However, on Friday, November 18, 2005, before the Monday, November 21, 2005 sale, the Marshal's office informed Plaintiff that they did not have a U.S. marshal available to attend the sale.

6. Because the Marshal's office was not able to provide a deputy to preside over the November 21, 2005 sale, a representative from the USDA attended the sale on November 21, 2005 and informed those in attendance that the Sale was postponed to January 9, 2006 at 11:00 a.m., which was the new sale date for this property as provided to Plaintiff by the U.S. Marshal's office.

7. Plaintiff requests Court approval to proceed with the Marshal's Sale, scheduled for January 9, 2006 at 11:00 a.m., without the need to serve new notices of sale and re-posting the property, and without further advertisement.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant its Motion for Order of Court permitting Plaintiff to proceed with the Marshal's Sale on January 9, 2006, without the necessity of sending new Notices of Marshal's Sale, reposting or re-advertisement!

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

By: 
Lori A. Gibson, Esquire
PA I.D. #68013
Private Counsel to the United States of America
BERNSTEIN LAW FIRM, L.C.
1133 Penn Avenue
Pittsburgh, PA 15222